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OFFICE OF PETITIONS

In re Application of :
Hans Kappelhoff :
Application No. 10/733,548 : DECISION ON PETITION
Filed: December 11, 2003 :
Attorney Docket No. 09209-US :

This is in response to the Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181 filed March 3, 2006.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed July 26, 2004. This Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). No reply considered received and no extension of time obtained, the application became abandoned on October 27, 2004. By decision mailed January 13, 2006, the initial petition to withdraw holding of abandonment filed July 11, 2005 was dismissed. A courtesy Notice of Abandonment was then mailed on February 15, 2006.

On instant renewed petition, applicants provided the element found lacking in the initial petition, a statement by the person who signed the certificate of mailing.

In addition, applicants noted that the amendment as timely filed used the incorrect serial number. Given this additional information, a review of the petition and of the record of the misidentified application confirms that the response as petitioner maintains it was filed on October 26, 2004 was, in fact, filed with the wrong application number. Further investigation reveals that the response with a date of receipt of October 26, 2004 was entered in the misidentified

application. This has been corrected. The response filed October 26, 2004, has been "moved" from the electronic record of the incorrectly identified application to the record of the instant application. Moreover, the response is considered timely filed.

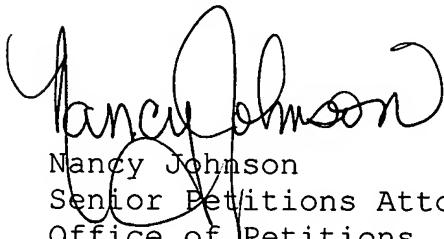
Accordingly, the Notice of Abandonment mailed February 15, 2006 is hereby VACATED, and the holding of abandonment is hereby WITHDRAWN.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 3671 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff for withdrawal of the holding of abandonment, and for consideration by the examiner of the response timely filed October 26, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions